UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:99-cr-0062-SEB-TAB
	)	
KILEY CLARDY,	)	- 02
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

On May 16, 2016, the Court held a hearing on the Petition for Warrant or Summons for

Offender Under Supervision filed on November 23, 2015 and the Supplemental Petition filed on

April 12, 2016. Defendant Clardy appeared in person with his retained counsel James Voyles

and Jeff Baldwin. The government appeared by Cynthia Ridgeway, Assistant United States

Attorney. U. S. Parole and Probation appeared by Officer Mark McCleese.

The Court conducted the following procedures in accordance with Fed. R. Crim. P.

32.1(a)(1) and 18 U.S.C. § 3583:

1.   The Court advised Defendant Clardy of his rights and ensured he had a copy of

the Petition and the Supplemental Petition. Defendant Clardy waived his right to a preliminary

hearing.

2.   After being placed under oath, Defendant Clardy admitted violations 1, 5, and 6.

[Docket Nos. 26 and 43.]

3.   Violations 2, 3, and 4 were resolved on December 10, 2015. *See Report and*

Recommendation [Dkt. 35] and Order Adopting Report and Recommendation [Dkt. 36].

4.   The allegations to which Defendant admitted, as fully set forth in the petition, are:

Violation Number	Nature of Noncompliance
1	**"The defendant shall not commit another federal, state or local crime."**

On October 13, 2015, subsequent to a traffic stop, Mr. Clardy was arrested and charged with Operating a Vehicle While Intoxicated Endangering a Person, Class A misdemeanor, and Operating a Vehicle with Alcohol Concentration Equivalent to at least .08 but less than .15, Class C misdemeanor. This case remains pending under Marion County, Indiana, cause number 49G12-1511-CM-040279. The next court date is January 11, 2016.

| 5 | **"The defendant shall not commit another federal, state or local crime."** |

On March 14, 2016, Mr. Clardy was charged with Driving While Suspended, Class A Infraction; Operating a Motor Vehicle Without Financial Responsibility, Class C Infraction; and Expired Plates for Operating or Allowing the Operation of a Vehicle with Expired, Class C Infraction. This case remains pending under Hamilton County, Indiana, under cause number 29D04-1603-IF-001872.

| 6 | **"The defendant shall refrain from any unlawful use of a controlled substance."** |

On April 11, 2016, Mr. Clardy tested positive for marijuana. On that date, he admitted to consuming marijuana earlier in the week.

5. The parties stipulated that:

    (a)   The highest grade of violation is a Grade C violation.

    (b)   Defendant's criminal history category is I.

    (c)   The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months' imprisonment.

6. The parties jointly recommended a sentence of 90 days with no supervised release to follow. Defendant would be allowed to self-surrender upon designation.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, and recommends that Defendant's supervised release be **REVOKED**, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of 90 days with no supervised release to follow.   The Defendant is released on current conditions of supervised release pending the District Judge's action on this Report and Recommendation. Defendant is to self-surrender upon designation of the Federal Bureau of Prisons.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.   The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file any written objections with the District Judge.

Dated: 24 MAY 2016

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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